



Resolve

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Is it Really Voluntary?

By Ann McBroom

The InterLocal Conflict Resolution Group (ILCRG) is a consortium of government agencies, labor unions, non-profits, and volunteer professionals jointly formed by King County and the King County Labor Council to offer mediation to its members at no cost.

This shared neutrals program affords the opportunity for member agencies and unions to draw from a pool of mediators who have no direct relationship to the disputes. As a result, sensitive issues that require confidentiality and neutrality can be mediated by qualified professionals.

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During the mediator's opening statements and in our Agreement to Mediate, we talk about mediation as a voluntary process and ask the participants if they are coming to the mediation voluntarily.

Sometimes they say, "no" or "not so much."

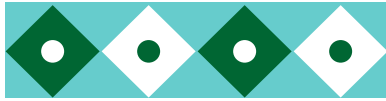
The language in both the Mediator Opening Statement and the Agreement to Mediate are hold-over's from language in the Revised Code of Washington that governs dispute resolution centers around the state. That code, for the purpose of the King County ADR Program/Interlocal Conflict Resolution Group, is superseded by the Uniform Mediation Act (UMA). The UMA is silent on the idea of voluntary attendance in mediation and emphasizes voluntary settlement agreements.

In reality, parties are frequently compelled to mediate as part of the formal legal process. In the workplace, people may be strongly encouraged or even compelled to give mediation a try. When parties are reluctantly attending mediation it makes true resolution a less likely outcome, but it is still possible to help the parties move forward in their situation.

What can you do to help people who are unenthusiastic participants in the mediation engage in the process?

- ◆ When a supervisor requires employees to attend mediation, having the supervisor attend the mediation to help set expectations is something we strive for. ADR staff will try to identify these dynamics as part of the intake process.
- ◆ Assure them that while their attendance may be mandatory, the degree of their participation is up to them. Respect their right to self-determination and be sensitive to their limits.
- ◆ Caucus early to get a better understanding of the person's reticence, boundaries, limits, hopes and goals.

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Is it Really Voluntary? continued

- ◆ Shift your focus away from “getting agreement” and towards a more transformative approach of “empowerment and recognition.” Help the parties articulate their interests and needs while listening and acknowledging the interests and needs of the other.
- ◆ Acknowledge even small progress, and encourage the parties to recognize small steps.
- ◆ Supervisors are often seen as part of the problem, and if the supervisor is not in attendance, the employees may jointly define the entire problem as an issue with the supervisor as a way of avoiding the issues between them. Help the employees focus on what they can do together to keep issues from escalating in spite of the supervisor. Be prepared to schedule another session that includes the supervisor.
- ◆ Do not press for a written agreement. You can suggest that written agreements can serve as a reminder of the work they did in mediation and can be a useful reference. Settlement of the dispute, in any form, is truly voluntary.



Standing Agenda Items

Particularly for entrenched interpersonal disputes, consider suggesting the following items for the agenda:

- ◆ **Second Sessions.** Program staff are bringing up the subject of possible multiple mediation sessions during intake, especially when there is a long-standing interpersonal dispute. Mediators can build on this by normalizing the idea of second sessions. Sometimes the agenda, as it’s being built, looks overwhelming to the parties, especially if it’s happening when the mediation day is half over. That can be a good segue into reminding participants about second sessions and to get out calendars to plan for it. Avoid the mad scramble at the end of a session when some or all need to leave.
- ◆ **Confidentiality.** By this we mean the confidentiality of what happens in the mediation, not just in the sense of mediator confidentiality and privilege, but to prepare parties for going back into a workplace together. There may be interest from co-workers about what happened in the mediation, and it’s a good idea to get detailed agreements around what is shared with supervisors or co-workers – maybe even to the extent of developing a mutually agreeable script.



Welcome Doug Nathan — New ADR Program Staff



Doug Nathan is the new staff member with the Office of Alternative Dispute Resolution. He has been a conflict resolution professional in private practice since 2006, providing advanced conflict management, organizational development, leadership coaching, training and facilitation to organizations in both the public and private sectors. Prior to that, Doug was a training and development consultant for Sound Options Group, L.L.C., a conflict resolution firm on Bainbridge Island that specializes in conflict resolution in educational settings. Before that, he worked at Microsoft for five years helping leaders, managers and teams improve their results during times of conflict and change. Doug has a Master's degree in Organizational Systems and brings his systems thinking to enhance team dynamics and support healthy work environments. His conflict resolution background includes mediating employment and labor disputes, facilitating large-scale multi-party disputes, environmental scans, and designing collaborative processes to prevent, improve or resolve conflict situations.

Doug may be the only person whose picture has appeared in two consecutive ADR Program newsletters! If you missed it last time, check out his article, "Stories That Lead," in the March 2013 issue of "Resolve" (available online at www.kingcounty.gov/adr under the Newsletters/Articles tab).

*Out beyond ideas of wrongdoing and rightdoing,
there is a field.
I'll meet you there.*

Jelaluddin Rumi, 13th Century



ILCRG **REVISED** 2013 TRAINING CALENDAR

Date	Room(s)	Time	Session
September 11	Chinook Rm.123	8:30 – 4:30	ESJ/Cross Cultural
November 20	Chinook Rm. 123	9:00 – noon 1:00 – 3:00	Really Great Questions Co-Mediation

All training sessions will be held in the King County Chinook Building, Room 123, located at 401 5th Ave., Seattle. Remember to SIGN UP by emailing Kathleen to let her know you are planning to attend. Then remember to SIGN IN on the day of the training so we have a record that you attended.

Miscellaneous Housekeeping

Speaking of Training:

If you've taken conflict resolution trainings at other agencies (e.g., City of Seattle), let Kathleen know so she can put it in your training record. Those trainings can count toward practicum requirements.

Parking for Mediation:

Volunteer mediators who do not work in the downtown Seattle area may be reimbursed for their parking when they park in the Goat Hill Garage across the street. Check in with Kathleen to get validation stickers when you come downtown to do a mediation. Goat Hill is also reasonably convenient to the Seattle Municipal Tower. You can stop in for stickers on the way to your mediation, in case you run late in the day and finish after normal ADR office hours. Unfortunately, we have no mechanism to reimburse you after you've already paid. The address of the Goat Hill Garage is 415 Sixth Avenue, and the vehicle entrance is between Fifth and Sixth Avenues on Jefferson Street. Take the elevator down to P1 and walk down the ramp. You'll be right across from the Chinook Building. King County employees get a discount at Goat Hill when showing their King County ID.

Website Improvements:

Did you know that all the forms for mediation are now available on the ADR Program website? We also have a new page with links to some past newsletters and articles of interest. Check it out at www.kingcounty.gov/adr.

Laptops and Printers:

The program has laptops and a portable printer to produce Settlement Agreements for off-site mediations. Let Kathleen know if you would like to arrange for this set-up.